

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW No. 2649

A BYLAW TO DESIGNATE SMOKE AND VAPE FREE OUTDOOR PLACES IN THE CITY OF ROSSLAND.

WHEREAS the *Community Charter [SBC 2003] Sec 8 (1) (b) and (i) a Council may*, by bylaw, establish certain prohibitions in public places for the preservation of the health of its citizens;

WHEREAS it has been determined that second-hand smoke is a health risk and a nuisance for many inhabitants of and visitors to the City of Rossland;

NOW THEREFORE the Council of the City of Rossland, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. CITATION

This By-law may be cited as the **"Smoke and Vape Free Outdoor Places Bylaw No. 2649, 2018"**.

2. DEFINITIONS

"City" means the City of Rossland;

"Minor" means a natural person under the age of majority;

"Park" means land acquired, reserved or dedicated as a park in accordance with the Local Government Act or Community Charter.

"Person" includes a natural person of the age of majority, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to the law;

"Playground" means any land held, occupied, zoned or regulated for use by the public as an outdoor area containing playground equipment.

"Public Place" means an area of land, including a highway, park or land improvement in respect of which the City holds an interest and includes without limitation civic buildings and areas around civic buildings or areas developed for use on a highway;

“Public Square” means land that is acquired, reserved or dedicated as a public square in accordance with the Community Charter. Examples include “Harry Lafavre” or the “Cenotaph” Square;

“Smoke or smoking” means to inhale or exhale, or visibly emit smoke or vapor; or burn or carry a light cigarette, cigar, pipe, hookah, electronic device or cylinder, or other smoking equipment that burns tobacco or other substances.

3. SMOKING RESTRICTIONS

A person or minor must not smoke:

- a. in any park, picnic area or public square;
- b. a playground or playing field;
- c. a skateboard or bike park;
- d. public tennis court or swimming pool lot;
- e. community garden;
- f. public sidewalks;
- g. within the C1 zoned area of Columbia Avenue and Washington Street (excluding all alleys);
- h. inside or within 6 metres of any public building or space in which the City owns or holds an interest;
- i. within 6 metres of a building, transit stop or transit shelter where people wait to board public transit;
- j. inside a motor vehicle or equipment owned, leased or used by the City.

4. OFFENCE AND PENALTY

- a. Any person who violates this Bylaw commits an offence and is liable on conviction to a fine of not more than two thousand dollars (\$2,000);
- b. Any minor who violates this Bylaw commits an offence and the City may hold the minor’s parent or guardian liable upon summary conviction to a fine of not more than two thousand dollars (\$2,000);
- c. Each violation constitutes a separate offence;
- d. **Enforcement by Ticket:** This Bylaw is designated, pursuant to Sec 264 of the Community Charter, as a Bylaw that may be enforced by means of a ticket in the form prescribed.

Prescribed Ticketing:

Smoking/vaping where prohibited: \$25.00 fine
Smoking/vaping where prohibited for each subsequent offence \$125.00 fine

- e. All fines are due and payable within 30 days and any outstanding fine after thirty (30 days) will double.

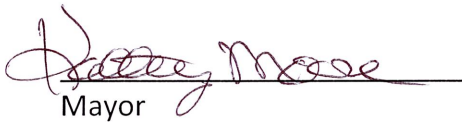
5. ENACTMENT AND REPEAL

If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by a decision of any court of competent jurisdiction, the invalid portion shall be severed, and the part that is invalid shall not affect the validity of the remainder.

10. This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
FINALLY ADOPTED
2018

this 13th day of February, 2018
this 12th day of June, 2018
this 12th day of June, 2018
this 25th day of June,


Mayor


Corporate Officer